

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

HELENA AGRI-ENTERPRISES, LLC,
a Delaware limited liability company,

Case No. 1:18-cv-00963-RJJ-RSK

Plaintiff/Counter-Defendant

vs.

Honorable Robert J. Jonker

GREAT LAKES GRAIN, LLC, a Michigan limited liability company; GREAT LAKES GRAIN II, LLC, a Michigan limited liability company; GREAT LAKES GRAIN III, LLC, a Michigan limited liability company; GREAT LAKES GRAIN IV, LLC, a Michigan limited liability company; NEW HEIGHTS FARM I, LLC, a Michigan limited liability company; and NEW HEIGHTS FARM II, LLC, a Michigan limited liability company

**MOTION FOR SUMMARY JUDGMENT
BY DEFENDANTS STACY BOERSEN,
NICHOLAS BOERSEN, NEW HEIGHTS
FARM I, LLC, AND NEW HEIGHTS
FARM II, LLC**

(and W.D. Mich. LCivR 7.1d certification)

Defendants,

and

NICHOLAS BOERSEN, individually and as putative member of New Heights Farm II, LLC and STACY BOERSEN, individually and as putative member of the Great Lakes Grain defendants and New Heights Farm I, LLC,

Defendants/Counter-Plaintiffs.

Sheryl L. Toby (P39114)
Mark J. Magyar (P75090)
Dykema Gossett PLLC
Attorneys for Plaintiff
300 Ottawa Ave. N.W. Suite 700
Grand Rapids, Michigan 49503
stoby@dykema.com
mmagyar@dykema.com
616-776-7500

Ronald J. VanderVeen (P33067)
Cunningham Dalman, PC
Attorneys for Defendants
321 Settlers Road
Holland, MI 49423
rjvv@cunninghamdalman.com
616-392-1821

Defendants Stacy Boersen, Nicholas Boersen, New Heights Farm I, LLC and New Heights Farm II, LLC, by and through their attorneys, Cunningham Dalman, PC, hereby move for summary judgment pursuant to Federal Rule of Civil Procedure 56 for the reason that there is no genuine issue of fact to be resolved at trial and these Defendants are entitled to judgment in their favor as a matter of law on Plaintiff's Second Amended Complaint against them for the reasons more fully set forth in the Brief and Affidavits filed in support of this Motion.

Pursuant to W.D. Mich. LCivR 7.1d, Counsel for these Defendants spoke with Counsel for Plaintiff on January 21, 2020 and determined that this Motion will be opposed.

Dated: January 21, 2020

/s/ Ronald J. VanderVeen

Ronald J. VanderVeen (P33067)
Cunningham Dalman, PC